

12-15-04

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#8

PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

IDR0242-USA

First named inventor: BARTA, Istvan

Application No.: 10/088,989

Art Unit: Pending

Filed: March 23, 2002

Examiner: Pending

Title: PROCESS FOR THE PREPARATION OF MYCOPHENOLIC ACID AND DERIVATIVES THEREOF

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OFFICE OF PETITIONS

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Declaration and Power of Attorney (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

12/16/2004 AWONDAF1 00000005 500943 10088989

01 FC:1453 1500.00 DA

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



 Signature

December 13, 2004

Date

Michael A. Steinberg, Ph.D.

Typed or printed name

43,160

Registration Number, if applicable

IVAX Corporation

Address

(305) 575-6061

Telephone Number

4400 Biscayne Boulevard, Miami, Florida 33137

Address

Enclosures: ☐ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Copy of Notification of Defective Response, Return Postcard

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

December 13, 2004

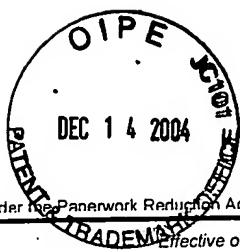
Date



 Signature

Magali C. Martinez

Typed or printed name of person signing certificate



PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).**FEE TRANSMITTAL**
For FY 2005☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,500.00

Complete if Known

Application Number	10/088,989
Filing Date	March 23, 2002
First Named Inventor	BARTA, Istvan
Examiner Name	Pending
Art Unit	Pending
Attorney Docket No.	IDR0242-USA

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OFFICE OF PETITIONS

METHOD OF PAYMENT (check all that apply)

- ☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____
- ☒ Deposit Account Deposit Account Number: 50-0943 Deposit Account Name: Baker Norton Pharmaceut.
- For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)
- ☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
- ☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

2. EXCESS CLAIM FEES

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

Total Claims - 20 or HP = _____ x _____ = _____ Fee (\$) Fee Paid (\$)

HP = highest number of total claims paid for, if greater than 20

Indep. Claims - 3 or HP = _____ x _____ = _____ Fee (\$) Fee Paid (\$)

HP = highest number of independent claims paid for, if greater than 3

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<u>Total Sheets</u>	<u>Extra Sheets</u>	<u>Number of each additional 50 or fraction thereof</u>	<u>Fee (\$)</u>	<u>Fee Paid (\$)</u>
- 100 =	/ 50 =	(round up to a whole number) x		

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other: Petition for Revival

Fees Paid (\$)

1,500.00

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	43,160	Telephone	305.575.6061
Name (Print/Type)	Michael A. Steinberg, Ph.D.	Date	December 13, 2004		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/088,989	Istvan Barta	IDRO242-USA

Simona A Levi-Minzi
 Ivax Corporation
 4400 Biscayne Boulevard
 Miami, FL 33137



INTERNATIONAL APPLICATION NO.	
PCT/HU00/00099	
I.A. FILING DATE	PRIORITY DATE
09/22/2000	09/23/1999

CONFIRMATION NO. 9043
 371 FORMALITIES LETTER



OC000000009394444

Date Mailed: 01/17/2003

NOTIFICATION OF DEFECTIVE RESPONSE

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OFFICE OF PETITIONS

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration

Applicant's response filed 11/19/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 07/22/2002 have not been completed.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
 - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
 - Declaration has not been executed by Inventor Antonia Jekkel.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

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*A copy of this notice **MUST** be returned with the response.*

BARBARA A CAMPBELL

Telephone: (703) 305-3631

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/088,989	PCT/HU00/00099	IDRO242-USA

FORM PCT/DO/EO/916 (371 Formalities Notice)

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#9

DECLARATION AND POWER OF ATTORNEY
(Attorney Docket No. IDR0242-USA)

As below-named inventors, we hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names.

I believe I am the original, first and only inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**PROCESS FOR THE PREPARATION OF
MYCOPHENOLIC ACID AND DERIVATIVES THEREOF**

the specification of which (check only one):

- ☐ is attached hereto.
- ☒ was filed as United States Patent Application
Serial No. 10/088,989
on 23 March 2002
and was amended
on _____
(if applicable)
- ☐ was filed as PCT Patent Application
Serial No. _____
on _____
and was amended under PCT Article 19
on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, Code of Federal Regulations, Sections 1.56(a) and 1.56(b).

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

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#5 DEC-2004 14:39

IIVAX DRUG RESEARCH INST.

+3613993356

P.03/06

U.S.S.N. 10/088,989

BARTA, Istvan et al.

Declaration and Power of Attorney

Page 2 of 5

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS
UNDER 35 U.S.C. §119:**

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. §119 (YES/NO)
PCT	PCT/HU00/00099	22 September 2000	Yes
HU	P 9903226	23 September 1999	Yes

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I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional patent application(s) listed below:

APPLICATION NUMBER	DATE OF FILING	STATUS: (PENDING OR ABANDONED)
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I hereby claim the benefit under Title 35, United States code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. § 120:**

APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS: (PATENTED, PENDING OR ABANDONED)
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U.S.S.N. 10/088,989
BARTA, Istvan et al.,
Declaration and Power of Attorney
Page 3 of 3

POWER OF ATTORNEY: As named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Michael A. Steinberg

Reg. No. 43,160

the mailing address and telephone number of whom is IVAX Corporation, 4400 Biscayne Boulevard, Miami FL 33137 and 305.575.6061.

Send Correspondence to:

Michael A. Steinberg, Ph.D.
IVAX CORPORATION
4400 Biscayne Boulevard
Miami, FL 33137

Direct Telephone Calls to:

Michael A. Steinberg, Ph.D.
Tel: (305) 575-6061
Fax: (305) 575-6064

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Wherefore, I petition that letters patent be granted to me for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe my name to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

I hereby declare that all statements made herein of our my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of inventor: Gábor Ambrus

Inventor's signature: Gábor Ambrus Date: Dec. 2, 2004
Residence: Csalán u. 45B, H-1025 Budapest, Hungary
Citizenship: Hungary
Post Office Address: Csalán u. 45B, H-1025 Budapest, Hungary

Full name of inventor: Antal Szabó

Inventor's signature: Antal Szabó Date: Nov. 25, 2004
Residence: Károly u. 14, H-2000 Szentendre ~~Budapest~~, Hungary
Citizenship: Hungary
Post Office Address: Károly u. 14, H-2000 Szentendre ~~Budapest~~, Hungary

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U.S.S.N. 10/088,989
BARTA, Istvan et al.,
Declaration and Power of Attorney
Page 4 of 5

Full name of inventor: István Barta

Inventor's signature István Barta Date Nov. 25. 2004
Residence: Kassai u. 10, H-1142 Budapest, Hungary
Citizenship: Hungary
Post Office Address: Kassai u. 10, H-1142 Budapest, Hungary

Full name of inventor: Sándor Boros

Inventor's signature Sándor Boros Date Nov. 25, 2004
Residence: Nyár u. 86, H-2134 Sződ, Hungary
Citizenship: Hungary
Post Office Address: Nyár u. 86, H-2134 Sződ, Hungary

Full name of inventor: Gyula Horváth

Inventor's signature _____ Date _____
Residence: Kígyó u. 4/6, H-1052 Budapest, Hungary
Citizenship: Hungary
Post Office Address: Kígyó u. 4/6, H-1052 Budapest, Hungary

Full name of inventor: István Mihály Szabó

Inventor's signature I. M. Szabó Date Nov. 30. 2004
Residence: Bertalan u. 11, H-1111 Budapest, Hungary
Citizenship: Hungary
Post Office Address: Bertalan u. 11, H-1111 Budapest, Hungary

Antonia Jekkel now Deceased.

Full name of inventor: Antonia Jekkel
Inventor's signature _____

Eva Jekkel

Eva Jekkel
Legal Representative for Antonia Jekkel

Date: Dec. 03. 2004

Residence: Damjanich u. 38, H-1071 Budapest, Hungary
Citizenship: Hungary
Post Office Address: Damjanich u. 38, H-1071 Budapest, Hungary

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U.S.S.N. 10/088,989
BARTI, Istvan et al.,
Declaration and Power of Attorney
Page 5 of 5

Full name of inventor: **Attila Kónya**

Inventor's signature: *Attila Kónya* Date: Nov 25, 2004
Residence: Lovas L. u. 13, H-5000 Szolnok, Hungary
Citizenship: Hungary
Post Office Address: Lovas L. u. 13, H-5000 Szolnok, Hungary

Full name of inventor: **Juliana Mózes**

Inventor's signature: *Juliana Mózes* Date: Nov 25, 2004
Residence: Borsó u. 56, H-1173 Budapest, Hungary
Citizenship: Hungary
Post Office Address: Borsó u. 56, H-1173 Budapest, Hungary

Full name of inventor: **János Salát**

Inventor's signature: *János Salát* Date: Nov 25, 2004
Residence: Veresegyház u. 21, H-1151 Budapest, Hungary
Citizenship: Hungary
Post Office Address: Veresegyház u. 21, H-1151 Budapest, Hungary

Full name of inventor: **György Somogyi**

Inventor's signature: *György Somogyi* Date: Dec. 2, 2004
Residence: Jerney u. 70 H-1148 Budapest, Hungary
Citizenship: Hungary
Post Office Address: Jerney u. 70 H-1148 Budapest, Hungary

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